

4. Placement

4.1 Legal Requirements For Placement

The following legal protections must be provided to a child in foster care and documented in the child's foster care record. (NOTE: See Section 5.4.2 for information regarding Title IV-E placement requirements for an approved placement):

- 4.1.1 The local department must provide a placement that is appropriate for the child and must describe and discuss the appropriateness of the placement in the service plan.
- 4.1.2 The local department must place the child in the least restrictive (most family like setting) consistent with the best interests and special needs of the child. (Adoption Assistance and Child Welfare Act of 1980).
- 4.1.3 The local department must attempt to place the child in as close proximity as possible to the parent(s) or prior custodian's home to facilitate visitation (Adoption Assistance and Child Welfare Act of 1980).
- 4.1.4 The local department must place the child in a licensed or approved placement. The local department must enter into a placement agreement with the placement provider
- 4.1.5 Legal requirements for the immediate enrollment of a child in school and consideration of allowing the child to remain in his previous academic placement are discussed in Section 5, Case Opening.
- 4.1.6 Prior to placing a child in an emergency foster home or in any home not already approved by the local department of social services or a licensed child placing agency or with relatives including parents to whom a child is to be returned, the local department of social services must conduct a criminal background search and child abuse and neglect central registry check on all adults residing in the home in which the child is to be placed. The local department must conduct national background checks, and fingerprint information on the primary caretakers in the home. National background checks and fingerprint information may also be completed on all adults residing in the home. Results of the check may prohibit placement of the child and in such cases, the background check results must be shared only with the person on whom the check was completed (§63.2-901.1). The child should not be placed if any of the following are indicated.
 - The parent/guardian/relative/household member has been convicted of any of the following crimes:

- Murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit such an offense against (i) a child of the parent, (ii) a child with whom the parent resided at the time of the offense, or (iii) the other parent of the child.
- Felony assault or bodily wounding resulting in serious bodily injury or felony sexual assault of (i) a child of the parent or (ii) a child with whom the parent resided at the time of the offense. Serious bodily injury means bodily injury resulting in substantial risk of death, extreme physical pain, protracted or obvious disfigurement, or protracted loss or impairment of a bodily member, organ, or faculty.
- In accordance with § 63.2-1719 of the Code of Virginia, the following are considered as barrier crimes:
 - A conviction of murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2
 - Malicious wounding by mob as set out in § 18.2-41
 - Abduction as set out in subsection A of § 18.2-47
 - Abduction for immoral purposes as set out in § 18.2-48
 - Assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2
 - Robbery as set out in § 18.2-58
 - Carjacking as set out in § 18.2-58.1
 - Threats of death or bodily injury as set out in § 18.2-60
 - Felony stalking as set out in § 18.2-60.3
 - Sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2
 - Arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2
 - Drive by shooting as set out in § 18.2-286.1
 - Use of a machine gun in a crime of violence as set out in § 18.2-289
 - Aggressive use of a machine gun as set out in § 18.2-290
 - Use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300
 - Pandering as set out in § 18.2-355
 - Crimes against nature involving children as set out in § 18.2-361
 - Incest as set out in § 18.2-366
 - Taking indecent liberties with children as set out in § 18.2- 370 or § 18.2- 370.1
 - Abuse and neglect of children as set out in § 18.2-371.1
 - Failure to secure medical attention for an injured child as set out in § 18.2-314
 - Obscenity offenses as set out in § 18.2-374.1
 - Possession of child pornography as set out in § 18.2- 374.1:1
 - Electronic facilitation of pornography as set out § 18.2- 374.3
 - Abuse and neglect of incapacitated adults as set out in § 18.2-369

- Employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2- 372 et seq) of Chapter 8 of Title 18.2 as set out in § 18.2- 379
- Delivery of drugs to prisoners as set out in § 18.2- 474.1
- Escape from jail as set out in § 18.2-477
- Felonies by prisoners as set out in § 53.1-203
- Or an equivalent offense in another state
- In the case of child welfare agencies and foster and adoptive homes approved by child-placing agencies, “barrier crime” shall also include convictions of burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 and any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an equivalent offense in another state.
- In accordance with § 63.2-1721 an applicant may be approved as a foster or adoptive parent under the following conditions:

The applicant has not been convicted of more than one misdemeanor as set out in §18.2-57 not involving abuse, neglect, moral turpitude, or a minor, and 10 years have elapsed following the conviction.

The applicant was convicted of statutory burglary for breaking and entering with intent to commit larceny, 25 years have passed since the conviction, and the applicant has had their civil rights restored by the Governor.

The applicant was convicted of felony drug possession, 10 years have passed since the conviction, and the applicant has had their civil rights restored by the Governor.

The local department of social services has responsibility to protect the safety of each child under its care. Placement decisions should be carefully weighed when criminal and/or abuse/neglect backgrounds are present.

- 4.1.7 The local department of social services must document that it provided educational and medical information to the foster parents or provider at initial placement, each time a child is placed, and on an on-going basis in order to assure that providers have basic medical and educational information about the child. The local department of social services is required to provide the service plan to foster care providers as a means of meeting this requirement, excluding the sections of the plan describing the reasons why the child cannot return home and the alternatives chosen.
- 4.1.8 The local department of social services may not delay or deny placement of a child into foster care on the basis of race, color, or national origin of the foster parents or child involved (Multi- Ethnic Placement Act of 1994).

- 4.1.9 If the local department of social services determines it is unlikely the child will return to his or her prior family in a timely manner, information must be provided regarding the opportunities for placing the child with relatives or in an adoptive home (§16.1-281A).

4.2 Preplacement Visits

A local department worker must make a preplacement visit to any out-of-home placement to observe the environment where the child will be living. The date of the preplacement visit must be entered in SACWIS.

- The pre-placement visit must precede the placement date.
- The pre-placement visit may be any visit to an out-of-home placement by a local department of social services worker up to 90 days prior to placement.
- An exception to the preplacement visit is an emergency situation, which must be documented in the case narrative. In such emergency situation, a preplacement visit may be the day of placement.
- When a child is to be placed outside of Virginia with relatives, in a foster home, in an adoptive home, residential facility or an independent living situation, the preplacement visit must be made by an authorized agency in the receiving state in accordance with Interstate/Intercountry Compact procedures.

4.3 Foster Family Homes

4.3.1 Approval Requirements

Foster family homes must meet standards established by the state board and be approved by local departments prior to placement of the child unless they are homes approved by licensed child placing agencies.

Homes must be re-examined for approval every 24 months.

An employee of a local department of social services cannot serve as a foster or adoptive parent for children in the custody of that local department of social services. (§2.2-3109)

4.3.2 Multiple Agency Foster Homes

Homes may be providers for more than one agency. The initial approving agency is responsible for continued approval of providers used by more than one agency. If the approving agency has a child placed in a shared home, other agencies should obtain prior written approval for each child they wish to place. To avoid possible disruption of a current placement, any time a placement is considered in a shared home where a child has already been placed, discussion should occur between agencies. If there is no child in a shared home, the

agency wishing to place a child must discuss the placement with the approving agency and foster parents prior to placement, then provide notification in writing about the placement to the approving agency no later than 10 working days from the placement.

4.3.3 Foster Homes Providing Multiple Types of Care

Homes may be providers of regular, emergency and permanent foster care at the same time when:

- The foster parent(s) demonstrate they can handle the different service needs of the children; and
- Services to children in on-going placement are not disrupted by emergency placements.

4.3.4 Emergency Foster Home

This is a foster family home where a child may be temporarily placed until a more appropriate placement is found or the home is approved. Children may be placed with friends or relatives on an emergency basis for up to 30 days while efforts are being made to approve the home or locate another approved placement as long as standards for emergency approval and requirements for a criminal background check and child abuse and neglect central registry search are met (See Section 4.1.6). Longer term placements require full approval of the home.

Title IV-E payments cannot be made for care in a home that does not fully meet standards. CSA state-local pool funds must be used for a home during the emergency approval period, if payment is required. Title IV-E cannot pay retroactively for the emergency approval period.

4.3.5 Regular Foster Home

This is a foster family home that has been approved and is being paid to provide basic maintenance, supervision, and parenting.

4.3.6 Specialized Foster Home

This is a regular foster family home that has been approved to receive "special needs/specialized" payments in addition to the maintenance payment. Such payments are distributed to regular foster family homes that are not part of a designated therapeutic program. These "special needs/specialized" homes are local department of social services approved foster homes, where the local department of social services has elected to pay an additional service payment due to the difficulty of care of a specific child. The FAPT must authorize "special

needs/specialized" payments to a foster family home. This additional payment is paid from CSA state pool funds.

4.3.7 Therapeutic Foster Home

This is a trained foster parent home, providing care through a licensed child placing agency or local department of social services defined foster care therapeutic program, who may receive an additional payment for added daily supervision required for children who have identified emotional/behavioral, developmental, physical or medical disorders. Title IV-E funds may be used to reimburse the costs of daily and additional supervision provided as part of a therapeutic foster home program for Title IV-E eligible children identified as needing therapeutic foster care. Foster parents providing such therapeutic care must meet specific requirements such as additional training.

The therapeutic needs of a child must be documented in the child's local department of social services record. Formal assessments, such as the Child and Adolescent Functional Assessment Scale (CAFAS) or Preschool and Early Childhood Functional Assessment Scale (PECFAS), which identify the behavior or diagnostic category of the child requiring additional supervision of the foster parents, are instruments that may be used to provide documentation. Additional documentation of the need for therapeutic foster care, which identifies the need for additional supervision, can be provided by the FAPTs recommendation or a history of multiple placements.

4.3.8 Child Placing Agency Foster Home

This is a foster family home approved by and provided through a private child-placing agency, which does not require local department of social services approval.

The local department of social services is responsible for all foster care requirements including but not limited to:

- Completing the service plan for the child; (§ 63.2-907 and § 16.1-281)
- Holding administrative panel reviews;
- Petitioning for court reviews and hearings; and (§ 16.1-282)
- Visiting the child at least monthly in the child's home or placement. If unable to conduct these visits on a monthly basis, face-to-face visits with the child in his or her home must occur no less than quarterly. These visits should be planned with the staff of the child placing agency and the foster parents.
- The child-placing agency is responsible for submitting quarterly reports on the child to the local department of social services. The report should include a summary of the child's progress in the foster home as well as a summary of services rendered by the foster parents and the child-placing agency.

4.3.9 Treatment Foster Care Program Home

This is a licensed child-placing agency, family home or public agency meeting licensing standards and enrolled by the Department of Medical Assistance Services (DMAS)

http://websrvr.dmas.virginia.gov/ProviderManuals/ManualChapters/psych/chapterIV_psy.pdf pgs.15-21.

to provide Medicaid reimbursed treatment foster care Case Management Services for children. These agencies can receive reimbursement through Medicaid for case management for an eligible child, as long as Medicaid criteria are met. Prior to reimbursement for case management services, the local department of social services must refer the child to a provider; provide copies of the latest CAFAS; and the FAPT assessment. Additionally, either the FAPT certification that treatment foster care case management is medically necessary or written documentation that the CPMT has approved the treatment foster care case Management Services is required. The local department of social services must provide the Rate Certification form signed by the CPMT, which identifies the payment rate negotiated with the provider.

The provider must complete and fax preauthorization materials within ten days of placement and submit a monthly treatment foster care case management time sheet to the local department of social services. Treatment foster care case management reviews must be held every six months by the local department of social services and ongoing authorization requests must be submitted to the DMAS contractor for continued reimbursement of case management services.

4.4 Adoptive Home

This is a home, which has been approved by a private or local department of social services for the placement of a child with the intent to adopt (§63.2-100). The adoptive home agreement form must be signed in order for the home to be considered an adoptive home.

4.5 Resource Family Home

A resource family home is an approved relative or foster family home which agrees to both support reunification and be prepared to adopt the child if the child and family do not reunify.

4.6 Independent Living Placement

An independent living placement is the placement of a youth in foster care, at least 16 years old, and lives without daily parental supervision. Such living arrangements may be used for youth who are enrolled in high school, college, vocational training, and/or employment. In determining whether an independent living arrangement is the best plan for a foster youth, some of the factors to consider are the youth's maturity, ability to assume responsibility, and successful progress through his/her transitional living plan.

The worker must make an on-site visit to the living arrangement and approve it, unless the housing arrangement is provided or approved by a college, educational, or other vocational facility. (See independent living arrangements, Section 9.7.4.)

4.7 Residential placement

4.7.1 Definition and Objectives of Residential Placement

Residential placement in this section means placement in a licensed publicly or privately owned facility, other than a private family home, where 24-hour care is provided to children separated from their families. These placements are used for children requiring enhanced supportive services and may include residential facilities for children, group homes, and psychiatric hospitals. A listing of the residential placements available in Virginia may be found in the CSA Service Fee Directory at www.csa.state.va.us/sfd/service_fee_directory.cfm

Residential placement offers care and treatment for children as an alternative to the traditional family environment. Residential placements differ in size, types of children served, staff size and qualification, allowable funding sources, and services provided.

A treatment program in a residential placement should provide individual and group treatment and education to maximize the child's capabilities, further emotional growth and development, and prepare the child to return home, to the community, or a more permanent placement.

4.7.2 Preplacement Planning for Residential Placement

Before considering placement in a residential facility, the local department of social services must have:

- Assessed and documented the appropriateness of community based services and less restrictive alternatives; i.e. child's own home, regular foster home, therapeutic or specialized foster home, etc. This may include referral to the Family Assessment and Planning Team (FAPT) to develop a service plan for community based services;
- Complied with local procedures for residential placement established by the Community Policy and Management Team (CPMT). If the CPMT requires staffing by the FAPT for residential placements, the service worker must provide information and supporting documents about the child to the FAPT; and
- Completed documentation of these processes in the case record.

4.7.3 Facility Requirements

Children in care shall be placed only in residential facilities that meet the following criteria:

- Licensed by or approved as meeting the licensing standards of the state department of social services, other state departments in Virginia or the licensing agencies in the state in which it is located.
- Title IV-E funds may be used only in facilities that meet Title IV-E requirements as described in Section 5.4.2,
- Listed in the CSA service fee directory unless the licensed facility offers room, board and services at no charge to the local department of social services.
- Not among the facilities licensed under the minimum standards for licensed child caring institutions. The names of these facilities may be obtained from the division of licensing.
- Has a placement agreement with the local department of social services (§ 63.2-900).
- Does not permit corporal punishment.
- To be eligible for Medicaid funding, the local department of social services and provider must fulfill the following responsibilities prior to admission:

Local department of social services responsibilities:

- Refer the child to the facility.
- Prepare Certificate of Need signed by FAPT members.
- An independent physician must certify that outpatient care does not meet the specific needs of the child, proper treatment of the child's condition requires services on an inpatient basis under the direction of a physician, and services can reasonably be expected to improve the child's condition to prevent further regression.
- Provide a copy of the latest CAFAS (within 90 days).
- Coordinate with the facility for the Initial Plan of Care.
- The plan must include the following: diagnosis; symptoms; description of the functional level of the child; treatment objectives with short and long-term goals; orders for medication and treatments; plans for continuing care including reviews; and discharge plans.
- Forward to the receiving facility all relevant background and treatment history.
- Negotiate a reimbursement rate and provide the CPMT signature on the Rate Certification Form.

Provider Responsibilities:

- Must be certified/enrolled as a Medicaid provider;

- Develop with the local department of social services the Initial Plan of Care;
- Complete the approved preauthorization forms;
- Negotiate a payment rate with locality; and
- Notify CPMT/FAPT of Medicaid approval or denial.

Under Medicaid, reviews must be completed for residential placements every 30 days.

4.8 Interstate Placements: Interstate Compact on the Placement of Children (ICPC) (§63.2-1000 et.seq.)

The purpose of the Interstate Compact on the Placement of Children is to ensure that children placed out-of-state are placed in approved settings and receive continuing services and supervision necessary to ensure that their placements are appropriate and safe. Refer to the ICPC website at

http://www.dss.virginia.gov/family/fc/interstate_compact/index.html for additional information.

4.9 Placements in Another Political Jurisdiction

When a child is to be placed in a home in another political jurisdiction within the state and the local department of social services in that community has not approved that home, the local department of social services holding custody shall:

- Notify the local department of social services where the home is located that the home is being considered for the child's placement;
- Conduct a study and approve the home or request that the local department of social services in the receiving locality study and approve the home;
- Request the local department of social services in the receiving locality to supervise the child or notify them that the local department of social services holding custody will supervise; and
- As soon as possible notify the local school division in the new locality as well as the school division the child is leaving.

4.10 When Foster Parents Move to Another Jurisdiction

- When a child moves with a foster family from one political jurisdiction to another in the state, the local department of social services holding custody is responsible for continuing supervision of the child unless supervision is transferred to the other local department of social services. The local department of social services holding custody shall notify the

local department of social services in the county or city to which the foster family moves.

- The local department of social services holding custody must notify the local school division the child is leaving as well as the school division the child will be entering.
- When supervision is transferred, the local department of social services holding custody codes the case to Foster Care. The local department of social services holding custody is responsible for service plans and completion of SACWIS reports.

4.11 Transferring Custody to another Local Department of Social Services

If a local department of social services is considering transferring custody of a child to another jurisdiction because the parent(s) or guardians have moved to that jurisdiction, a determination must be made that it is in the best interests of the child to transfer custody. The department of social services holding custody must consult with the local department of social services in the other jurisdiction prior to petitioning the court to transfer custody. A local department of social services may petition the court to transfer commitment of a child to the custody of another local department of social services where the child, his/her parent(s) or guardians, or relatives reside when it is in the best interests of the child to transfer custody. The local board in the other community does not have to accept custody until given reasonable notice and opportunity to be heard by the court.

4.12 Notification of Placement Changes

All parents with residual parental rights or prior custodians must be notified in writing of any change in placement or visitation privileges within 10 days of such a change.